

## CATEGORIES OF JUSTICE OF THE PEACE

For the purposes of remuneration and training, there are two categories of Justice of the Peace in the Northwest Territories:

- 1) Administrative Justice of the Peace
- 2) Judicial Justices of the Peace
  - A) Community Justice of the Peace
  - B) Regional Justice of the Peace

### 1) Administrative Justice of the Peace

The Administrative Justice of the Peace is a clerk of the Territorial Court whose functions are to:

- Receive informations in person, pursuant to s. 504 CC and by fax pursuant to s. 508.1 CC;
- Issue summonses, warrants of arrest and subpoenas;
- Confirm or cancels promises to appear, notices, or undertaking to an officer in charge;
- Adjourn a sitting of the Territorial Court.

The Clerk of the Court performs these duties as part of their employment and as such, does not receive additional remuneration (*s. 2(2) of the Remuneration and Allowances Regulations*). The Administrative Justice of the Peace shall receive the basic Level 1 training offered to Community Justices of the Peace; and may, with the permission of the Chief Judge, receive training in order to perform marriage ceremonies.

### 2) Judicial Justice of the Peace

The Judicial Justice of the Peace is a lay person appointed by the Commissioner to perform duties as provided in *the Justices of the Peace Act* and the Letters of Authorization. All Judicial Justices of the Peace are remunerated according to the *Remuneration and Allowances Regulations*, regardless of their classification for the purpose of training.

The different Judicial Justices of the Peace are:

- A) the Community Justice of the Peace, and
- B) the Regional Justice of the Peace.

Both receive training to perform a wide range of basic duties.

Each may also become qualified to preside as On-Call Justices of the Peace.

For the purpose of establishing the Justice of the Peace Training Plan, It has become necessary to differentiate the Community Justice of the Peace from the Regional Justice of the Peace in order to recognize that the training needs are different.

The Regional Justice of the Peace may receive additional training to be qualified to hear applications for Judicial Interim Release. This is because over time, practice has evolved, so as a means to ensure adequate legal representation to all accused in custody, Judicial Interim Release applications are heard primarily in Yellowknife. Provided that there are counsel available, these could also be heard in the Hay River and Inuvik courthouses. Alternatively, a Regional Justice of the Peace could hear a remote application by video conference for Judicial Interim Release.

### **A) Community Justice of the Peace**

The Community Justice of the Peace lives in one of the Northwest Territories' communities where Circuit Court is held. Their functions are to offer services to the community:

#### **[Level 1]**

- Receive informations
- Issue summonses, warrants of arrest and subpoenas
- Confirm or cancels promises to appear, notices or undertaking to an officer in charge
- Adjourn a sitting of the Territorial Court
- Celebrate weddings (optional)

#### **[Level 2]**

- Preside a hearing pursuant to section 503 CC
- Read the charge to the accused
- Read the language right advisory
- Preside a hearing pursuant to section 515(1) or (2) CC where the prosecutor is seeking to release an accused on consent or to adjourn the hearing because they seek the detention of the accused
- Adjourn a hearing pursuant to s. 516 CC
- Issue search warrants
- Issue authorization of entry

### **B) Regional Justice of the Peace**

The Regional Justice of the Peace lives in a town or city in which there is a courthouse and a registry of the Territorial Court: Yellowknife, Hay River, or Inuvik.

The Regional Justice of the Peace performs the same tasks as a Community Justice of the Peace, but in addition, hears applications for judicial interim release or detention.

## TRAINING PLAN FOR JUSTICES OF THE PEACE

Within a period of 12 months of being appointed, a Justice of the Peace will receive the training to perform functions listed at Community Justice of the Peace Levels 1 and 2.

This includes participating in 3 separate workshops, each of 4-5 days duration.

### **Basic Training Level 1** (*offered to all Judicial and Administrative Justices of the Peace*)

- Introduction to the legal system
- Function of the Justice of the Peace
- Ethics
- Receive an Information
- Issue a summons or a warrant of arrest; confirm or cancel a promise to appear, notice to appear or a recognizance
- Issue a subpoena
- Adjourn a court proceeding

### **Basic Training Level 2**

- Read the accusation to the accused
- Read the language rights advisement to the accused
- Release or Remand an accused on consent
- Issue a search warrant

**Additional training may be offered to Judicial Justices of the Peace to qualify them to render additional services:**

### **Emergency Protection Orders (level 1)** (5 days)

Training provided with respect to:

- *the Protection of Family Violence Act*
- conducting a hearing by telephone
- listening skills
- communication skills
- oral judgment skills

### **Emergency Protection Orders (level 2)** (2 days)

Training offered to Justices of the Peace who took the level 1 EPO Training, with a view of addressing specific areas of difficulty

### **On-call Justice of the Peace**

The On-call Justice of the Peace participates in a rotation system in order to provide services to communities which do not have a Justice of the Peace capable of rendering the services listed at Level 2.

Although it is not essential, it is recommended that a Justice of the Peace take the EPO training before participating in the On-Call Justice of the Peace training.

The On-Call Justice of the Peace program is a five-day course open to all Justices of the Peace, offering training with respect to:

- Receiving an information pursuant to s. 508.1 CC
- Conducting a hearing by Telephone or by Videoconference
- Issuing Telewarrants
- Exchanging documents by fax
- Listening Skills
- Communication skills
- Delivering an oral judgment

#### Sentencing

A five-day course followed by 15 hours of observation in Justice of the Peace Court and 15 hours of mentoring in Justice of the Peace Court:

- Procedure pursuant to the SCPA and conviction in absence
- Taking a plea
- Sentencing principles
- Delivering oral judgments

#### Presiding a trial

A minimum 45-hour course followed by a combination of 15 hours of observation in Justice of the Peace Court and 15 hours of presiding in Justice of the Peace Court with a mentor. The participant must expect this training to occur over the course of one year.

- Module 1: General principles (2 x 5 days)
- Module 2: Rules of procedure (2 x 5 days)
- Module 3: Rules of evidence (2 x 5 days)
- Module 4: Conducting the hearing (5 days)  
Delivering the decision (5 days)

**Additional training is available to Regional Justices of the Peace:**

#### Conducting a hearing: Application for Judicial Interim Release or detention

- Fundamental principles applicable to JIR
- Rules of procedure
- Rules of evidence
- Grounds for detention
- Conducting the hearing

The course includes 5 days of tutorial training, followed by 15 hours of observation in Justice of the Peace Court and 15 hours of presiding in Justice of the Peace court with a mentor.

**Training may be offered on demand to all Justices of the Peace in order to perform marriage ceremonies.**